

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and indicating that claims 8, 9, 11, 13, 14, and 16 contain allowable subject matter.

1. Disposition of Claims

Claims 1-18 and 21 were pending in this application. Claim 11 has been cancelled by this reply. New claims 22 and 23 have been added by this reply. Therefore, claims 1-10, 12-18, and 21-23 are pending after this Amendment.

Among the pending claims, claims 1, 8-10, 13, 14, and 16 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 8-10.

2. Amendments to Claims

Claims 1, 8-10, 13-18, and 21 have been amended to clarify the invention recited. Support for these amendments, for example, may be found at least in paragraph [0093], paragraph [0096], and Figures 1A to 6.

New claims have been added that depend from claims 8 and 9. Support for these amendments may be found, for example, in paragraphs [0171] – [0178].

No new matter has been introduced by these amendments.

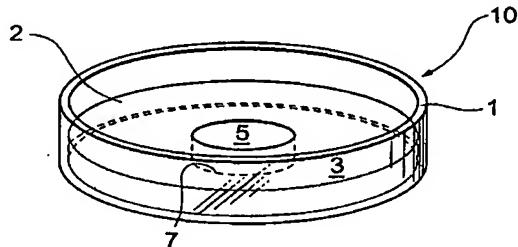
3. Rejection(s) under 35 U.S.C § 102

Claims 1-7, 15, 17, 18, and 21 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,955,352 (Inoue et al.). Claims 1, 15, 17, 18 and 21 have been amended. To

the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The present invention relates to methods and apparatus for cell cultures, tissue culture, drug testing, etc. FIG. 1C illustrates one exemplary apparatus of the invention, in which a donut-shaped member 3 is formed in a Petri dish 1 such that a hollow 5 is formed. Member 3 functions as a reservoir of nutrients/reagents for a culture grown in hollow 5.

FIG. 1C



Independent claim 1 recites an apparatus for culture, in which member (x) (corresponding to 3 in FIG. 1C) “*has one hollow per one concave part*, by which a part of a surface of the container in the concave part is bared such that *the bottom of the hollow consists essentially of the bared surface of the container*, and holds a solution containing culture medium components.”

In contrast, Inoue et al discloses substitutes for microtiter plates. (Col. 1, ll. 50-54; Col. 2, ll. 18-26). Several configurations are disclosed in Inoue. Figs. 1-3 show a plate having multiple hydrophilic sample-holding portions 3 coated on the bottom of a hydrophobic plate. Figs. 4-7 disclose a variation, in which the sample-holding portion 3 comprises two regions: a reagent-containing region 12 surrounded by a sample-absorbing region 11. (Col. 10, ll. 31-35). In these apparatus, the bottom of the hollow does not consist essentially of the bared surface of the container.

The apparatus disclosed in Figs. 18-21 has sample-holding regions 3 in the concave part. However, the absorbent member (corresponding to the member (x) in the instant claim 1) is not in the concave part; instead, it is attached to the cap. In addition, this apparatus has multiple hollows per concave part.

To anticipate, a prior art reference must disclose each and every limitation of a claim. None of the apparatus of Inoue includes all limitations of the instant claim 1. Specifically, Inoue does not teach or suggest an apparatus, in which a member (x) placed in the concave part “has one hollow per one concave part, by which a part of a surface of the container in the concave part is bared such that the bottom of the hollow consists essentially of the bared surface of the container, and holds a solution containing culture medium components,” as required by the instant claim 1. Therefore, claim 1 is patentable over Inoue. Dependent claims 2-7, 15, 17, 18, and 21 should also be patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,907,647 (Sanderson).

Claim 10 has been amended to include the limitations of claim 11, which has been indicated to contain allowable subject matter. Since the amended claim 10 includes the same limitations as previous claim 11, the amended claim 10 should be allowable. Claim 12, which depends from claim 10, should also be allowable. Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Claims 8, 9, 11, 13, 14 and 16 have been indicated to include allowable subject matter and would be allowable if re-written in independent form.

Claim 11 has been rewritten as amended claim 10, and claims 8, 9, 13, 14, and 16 have been rewritten in independent form. Accordingly, these claims are now allowable.

New claims

New claims 22 and 23 depend from claims 8 and 9, respectively. Therefore, these new claims are allowable for the same reasons.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16422.005001).

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Respectfully submitted,

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